

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 6:17CR40-04
	§	JUDGE CLARK
EDWARD DELIMA (04)	§	

FACTUAL BASIS

Investigation by the United States Department of Alcohol, Tobacco, Firearms, and Explosives (ATF) disclosed the following facts that establish that I, the defendant, Edward Delima, violated 18 U.S.C. § 1349. I accept the following factual basis as true and correct:

1. From in or about November 2014, and continuing through in or about March 2017, in the Eastern District of Texas, and elsewhere, I conspired and agreed with T.R. Wright, Shane Gordon, and others, to violate 18 U.S.C. § 1343, wire fraud, that is to transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce any writings, signs, signals, pictures, and sounds for the purpose of executing a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises.

2. I knew of the unlawful purpose of the agreement.

3. I joined in the agreement willfully, that is, with the intent to further its unlawful purpose.

4. It was the general purpose of the conspiracy for my co-conspirators and I to defraud an insurance company and unlawfully obtain money from such insurance company by means of false and fraudulent pretenses, representations, and promises.

5. My co-conspirators and I acquired a vessel.

6. My co-conspirators and I obtained insurance coverage for the acquired vessel in an amount exceeding the purchase prices of the vessel.

7. My co-conspirators and I defrauded an insurance company and obtained money from the insurance company by means of false and fraudulent pretenses, representations, and promises.

8. My co-conspirators and I obtained control of the funds paid by the insurance company and used the monies for our personal benefit, as well as that of others.

9. On or about November 5, 2014, the Hartmann Sanford Group, Inc. "loaned" me \$193,500.00 for the purchase of the vessel.

10. On or about November 6, 2014, I insured the vessel for \$195,000.00 at which time I made false and fraudulent representations to the insurance company. The insurance premium payments were made from a Capital One credit card account held in the name of T.R. Wright.

11. On or about November 7, 2014, Theodore R. Wright Enterprises, Inc. "sold" the vessel to me. The bill of sale shows that Shane Gordon signed as seller on behalf of Theodore R. Wright Enterprises, Inc.

12. On or about February 20, 2015, the vessel was extensively damaged due to partially sinking in a marina in Ko Olina, Hawaii.

13. On or about February 27, 2015, T.R. Wright and I communicated through Facebook. Excerpts of our communications are as follows:

T.R. Wright: when will you be avail for a 15 min call

Edward Delima: how are we gonna handle this

I don't want to [expletive] this up its a lot of
money

T.R. Wright: I think you and I should be on the phone together for
the claim call, I pretend to be you and give them all
the info, then you will hear everything so you know
what to say later, and we will be on messenger if we
need to communicate while we are on the phone with
them. thoughts?
might need to be tomorrow before I can though

Edward Delima: Sounds good

I wanna make sure we are on the same page with all of
this

Probably make a fact page of notes

T.R. Wright: good thinking

so we do tomorrow after your work?

Edward Delima: Easier than digging through chats

Sounds good

14. On or about February 27, 2015, T.R. Wright and I filed an insurance claim for the loss of the vessel in which we made false and fraudulent representations. Among other things, we falsely and fraudulently represented certain facts related to the vessel, including the ownership of the vessel, the condition of the vessel, and the reason for the sinking of the vessel. On this date as well as on other dates, T.R. Wright used, directed, and/or assumed my identity in communications with the insurance company. On such occasions, we communicated with the insurance company by email and cell phone.

15. On or about November 11, 2015, Shane Gordon communicated with the insurance company by phone wherein he made false and fraudulent representations.

16. On or about July 3, 2015, my co-conspirators and I caused the insurance company to issue a check in the amount of \$180,023.80 made payable to the Hartmann Sanford Group, Inc.


17. The currently unreimbursed losses caused by the conduct of my co-conspirators and I are \$195,000.00, and that is the appropriate amount should the Court order restitution.

18. The criminal proceeds which I obtained as a result of the conduct of my co-conspirators and I were \$1,100.00, and that is the appropriate amount should the Court order forfeiture.

19. I acknowledge that these acts constitute a violation of 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud).

I hereby stipulate that the facts described above are true and correct and accept them as the uncontroverted facts of this case.

Dated: 9/15/17

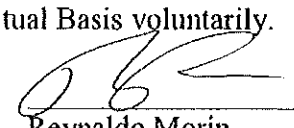


Defendant

Defendant's Counsel's Signature and Acknowledgment:

I have read this Factual Basis and the Plea Agreement in this matter and have reviewed them with my client, Edward Delima. Based upon my discussions with my client, I am satisfied that he understands the terms and effects of the Factual Basis and the Plea Agreement and that he is signing this Factual Basis voluntarily.

Dated: Sept 19, 2017



Reynaldo Morin
Attorney for Defendant